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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 001320

SIPDIS

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SUBJECT: COURT SUSPENDS SENTENCE, TRAFFICKER WALKS

Classified By: CDA A.F. Godfrey for reasons 1.4 (b, d).

SUMMARY

1. (SBU) A court in Yerevan sentenced Lusine Hakobyan, the Armenian organizer of a Yerevan-Dubai prostitution/trafficking network, to two years imprisonment. The judge, however, suspended the sentence and Hakobyan will instead serve one year of supervised probation. Armenian Association of Investigative Journalists (AIJ) President Edik Baghdasaryan claims the General Prosecutor's Office arranged Hakobyan's surrender and quick release as part of a deal for which court officials took bribes to guarantee Hakobyan the reduced sentence. Baghdasaryan claims that payments for reduced sentences are standard for court officials in trafficking-related cases. End Summary.

ARMENIAN COURT PROSECUTES FOR PIMPING, NOT TRAFFICKING

2. (SBU) On July 8 at the Central Yerevan Court of First Instance, Judge Vazgen Lalayan sentenced Lusine Hakobyan to two years imprisonment and one year probation under Article 262 of the Criminal Code for Organization of Prostitution (pimping). Lalayan then suspended the prison sentence, asserting that because Hakobyan surrendered voluntarily and is the legal guardian of her minor child, she deserved special consideration. Under Armenian law, judges may consider mitigating factors such as voluntary surrender and family situations during sentencing. The judgment requires Hakobyan to report to police every fifteen days until her twelve month probation is completed.

MEDIA COVERAGE CRITICAL OF COURT DECISION

3. (SBU) Armenian television and print news media (Azg, Novoye Vremya, Aravot, Hetq and Kentron) criticized the decision, claiming that Hakobyan's network is still active and that she will return to her criminal activities. Investigative reporter and Association of Investigative Journalists (AIJ) President Edik Baghdasaryan claimed Hakobyan's mother, Hasmik, is also a member of the trafficking network, identifying and recruiting women and girls from poor families in Armenian villages and arranging their transportation to Dubai. Baghdasaryan, says the Hakobyan case is a clear-cut example of trafficking, not pimping, and claims the court failed to stop the network.

JOURNALIST ALLEGES OFFICIALS COMPLICIT IN TRAFFICKING

4. (SBU) Baghdasaryan told us he believes that Aristakes Yeremyan, an investigator in the General Prosecutor's Office, arranged Hakobyan's surrender and quick release as part of a deal for which court officials, in exchange for money, guaranteed Hakobyan a reduced sentence and clean criminal record. Baghdasaryan claims Armen Boshnaghyan, the lead prosecutor in the Hakobyan case and a member of the General Prosecutor's Office Special Division for Anti-Trafficking, approved the deal. Though he could not substantiate his claims, Baghdasaryan asserts agreements between corrupt court officials and traffickers are common, and that Armenian victims he interviewed said investigators in the General Prosecutor's Office also asked them for bribes. Baghdasaryan told us he provided GOAM Procurator General Aghvan Hovsepyan with the names of additional investigators he believes are complicit in other human trafficking cases.

COMMENT: PROSECUTOR'S OFFICE PART OF THE PROBLEM

5. (C) Testimony from victims at Hakobyan's court hearings, which we attended, clearly included requisite elements for trafficking charges. "Witnesses" Ruzanna Mkrtchyan, Varduhi Shakaryan, and Kristine Stepanyan testified that Hakobyan recruited, transported, and exploited them for forced

prostitution under threats of violence, retribution against family members, and death if they attempted to escape. If their allegations were true, Hakobyan's case should have qualified for prosecution under Article 132 of the Armenian Criminal Code, the anti-trafficking provision which stipulates harsher penalties than the anti-pimping law.

16. (C) The prosecutor's decision to apply the anti-pimping (rather than the anti-trafficking) code continues to raise questions about the General Prosecutor's Office commitment to the GOAM's anti-trafficking plan. Though Baghdasaryan cannot provide hard evidence of his allegations of court complicity in this and other cases, the news media's active engagement may continue to pressure Armenian courts to increase transparency in sentencing. Pressure may, in fact, be building to the point that the Procurator General decides to take action, although that remains to be seen.

GODFREY